

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

MATEO DEMATEOJUAN,

Petitioner,

vs.

STATE OF NEBRASKA,

Respondent.

**8:23CV184**

**MEMORANDUM AND ORDER**

This matter is before the Court on Petitioner Mateo Demateojuan's Petition for Writ of Habeas Corpus pursuant to [28 U.S.C. § 2254](#) filed on May 10, 2023. [Filing No. 1](#). However, this matter will not proceed further until Petitioner cures the deficiencies discussed below.

First, Petitioner failed to include the \$5.00 filing fee. Petitioner has the choice of either submitting the \$5.00 fee to the Clerk's office or submitting a request to proceed in forma pauperis. If Petitioner chooses to do the latter, the enclosed pauper's forms should be completed and returned to this Court. Failure to take either action within 30 days will result in the Court dismissing this case without further notice to Petitioner.

Second, Petitioner has not signed the petition under penalty of perjury, which is required to proceed. See, e.g. [28 U.S.C. § 2242](#) and Rule 2(c)(5) of the *Rules Governing Section 2254 Cases in the United States District Courts*. Rather, it appears that the petition was signed by Adelaida Juan y Juan, who is identified as Petitioner's agent pursuant to an attached Nebraska Power of Attorney, and who the Court assumes is the family member that hand-delivered the petition to the Court for filing. [Filing No. 1 at 15–19](#). However, the person signing for Petitioner did not explain why

Petitioner is not signing the petition in the space provided on the form. See *Id.* at 15. As there is no indication why Petitioner is unable to sign the petition himself, and as it appears Petitioner completed the remainder of the form petition, the Court will require Petitioner to submit a signed version of the signature page of his petition, a copy of which will be provided to him along with this Memorandum and Order.

Based on these deficiencies, Petitioner's petition is deemed insufficient and the Court will not act upon it. However, on the Court's own motion, Petitioner will have 30 days in which to correct the deficiencies. To be clear, Petitioner must (1) either pay the \$5.00 fee or submit a request to proceed in forma pauperis and (2) sign his petition under the penalty of perjury by signing the enclosed signature page of his petition and returning it to the Court.

IT IS THEREFORE ORDERED that:

1. Petitioner is directed to submit the \$5.00 fee to the Clerk's office or submit a request to proceed in forma pauperis by **June 20, 2023**. Failure to take either action will result in dismissal of this matter without further notice.
2. The pending petition, [Filing No. 1](#), is deemed insufficient and the Court will not act upon it.
3. By **June 20, 2023**, Petitioner shall correct the signature deficiency in his petition. To be clear, Plaintiff must file a signed copy of his petition by signing in or near the space labeled "Signature of Petitioner" on the copy of the signature page of his petition enclosed with this Memorandum and Order. Failure to comply with this Memorandum and Order will result in dismissal of this matter without prejudice and without further notice.

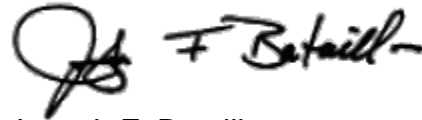
4. To avoid confusion, any document Petitioner sends to the Clerk of the Court for filing in this case must clearly display the case number (8:23CV184).

5. The Clerk of the Court is directed to send to Petitioner the Form AO 240 ("Application to Proceed Without Prepayment of Fees and Affidavit") and a copy of the signature page of his petition, [Filing No. 1 at 15](#).

6. The Clerk of the Court is directed to set a pro se case management deadline in this matter with the following text: **June 20, 2023**: Check for MIFP or payment and signature.

Dated this 19th day of May, 2023.

BY THE COURT:

A handwritten signature in black ink, appearing to read "J F Bataillon", with a stylized flourish at the end.

Joseph F. Bataillon  
Senior United States District Judge